

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In Re:	: Bankruptcy No. 1:21-bk-00853-HWV
Patricia Anne Warner	: Chapter 13
Debtor	:
	:
Carvana, LLC	:
Movant	:
vs.	:
Patricia Anne Warner	:
Debtor/Respondent	:
and	:
Jack N Zaharopoulos, Esquire	:
Trustee/Respondent	:

OBJECTION TO CONFIRMATION OF THE PLAN

Carvana, LLC (“Movant”), by its attorneys, Hladik, Onorato & Federman, LLP, objects to confirmation of the Chapter 13 Plan of Debtor, Patricia Anne Warner (“Debtors”), as follows:

1. As of the bankruptcy filing date of April 16, 2021, Movant holds a secured Claim against Debtors’ Vehicle, a 2016 KIA Rio, VIN #KNADM4A34G6665574 (the “Vehicle”).
2. On April 19, 2021, Movant filed Proof of Claim citing a total secured claim in the amount of \$13,844.90 with an interest rate of 7.299%.
3. The Plan does not list Movant’s secured Claim.
4. The Plan violates of 11 USC § 1325(a)(5)(B)(ii) by not providing for Movant to receive the full value of its claim, as the debt was incurred on February 09, 2021, which is within 910 days of the filing of the instant bankruptcy.
5. Any attempt by the Debtors to modify any portion of this Contract with Movant should be denied.

6. Movant objects to the feasibility of the Plan under 11 U.S.C. § 1325(a)(6). The Plan proposed by Debtors is not feasible. Movant requests that the bankruptcy case either be converted to a Chapter 7 or be dismissed pursuant to 11 U.S.C. § 1307.

WHEREFORE, Movant respectfully requests that this Honorable Court deny confirmation of the Debtors' Chapter 13 Plan.

Respectfully submitted,

Dated: 07/07/2021

/s / Bradley J. Osborne, Esquire
Bradley J. Osborne, Esquire
Hladik, Onorato & Federman, LLP
Attorney I.D. # 312169
298 Wissahickon Avenue
North Wales, PA 19454
Phone 215-855-9521
Email: bosborne@hoflawgroup.com

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and	:	
Jack N Zaharopoulos, Esquire	:	
Trustee/Respondent	:	

**CERTIFICATE OF MAILING OF OBJECTION TO THE PROPOSED
PLAN TO PARTIES IN INTEREST**

I, Bradley J. Osborne, Esquire, attorney for Carvana, LLC (“Movant”), certify that I served a copy of the attached Objection to the Plan to the parties below on 07/07/2021:

Dawn Marie Cutaia, II, Esquire
Via ECF
Attorney for Debtor

Jack N Zaharopoulos, Esquire
Via ECF
Trustee

Patricia Anne Warner
47 Jamison Drive
York, PA 17402
Via First Class Mail
Debtor

Date: 07/07/2021

Respectfully Submitted,
/s / Bradley J. Osborne, Esquire
Bradley J. Osborne, Esquire
Hladik, Onorato & Federman, LLP
Attorney I.D. # 312169
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North Wales, PA 19454
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and	:	
Jack N Zaharopoulos, Esquire	:	
Trustee/Respondent	:	

ORDER

Upon consideration of Carvana, LLC's Objection to Confirmation of the proposed Plan, and having heard the argument of counsel and for good cause having been shown;

It is on this _____ day of _____, 2021 ORDERED that the Confirmation is DENIED.

BY THE COURT:

Honorable Henry W. Van Eck
Chief U.S. Bankruptcy Judge